

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

BEATRICE I. LUCERO,
Plaintiff,

v.

Civ. No. 11-0855 JB/LAM

STATE OF NEW MEXICO;
NEW MEXICO DEPARTMENT OF
TAXATION AND REVENUE, a New
Mexico governmental entity,
Defendants.

**ORDER DENYING WITHOUT PREJUDICE
SECOND MOTION TO AMEND COMPLAINT**

THIS MATTER is before the Court on Plaintiff's second Motion to Amend her Amended Complaint [*Doc. 47*], which was filed May 31, 2012. On May 17, 2012, the Court denied without prejudice her first motion to amend her amended complaint [*Doc. 42*], explaining that Plaintiff failed to comply with the Court's rules for several reasons, including failing to attach a copy of her proposed amended complaint, in violation of Local Rule 15.1, and filing more than fifty (50) pages of exhibits, in violation of Local Rule 10.5. *See Order Denying Without Prejudice Motion to Amend Complaint (Doc. 46)*. On June 5, 2012, the Court held a telephonic hearing at which Plaintiff and counsel for Defendants were present. The Court discussed this motion and Plaintiff's failure to again attach a proposed amended complaint to this motion, after she had been told by the Court that she needed to do so in the Court's order denying her first motion to amend her amended complaint. *See Clerk's Minutes (Doc. 49)*. The Court will give Plaintiff one more chance to file a motion to amend her amended complaint *with* a copy of her proposed amended complaint as an attachment to that motion. If Plaintiff fails to attach a copy of her proposed amended complaint, the

Court will consider entering a recommendation in this case that the presiding judge deny the motion *with* prejudice so that Plaintiff may no longer ask the Court to allow her to amend her amended complaint. The Court again reminds Plaintiff that she is required to comply with the Court's procedural requirements, including its local rules, and her *pro se* status does not relieve her of this obligation.

IT IS THEREFORE ORDERED that, for the reasons stated above, Plaintiff's *Opposed Motion to Amend Amended Complaint for Employment Discrimination of the Basis of Race, National Origin, Disability, Retaliation, New Mexico Tort Claims, and the Family and Medical Leave Act (Doc. 47)* is **DENIED without prejudice**. Plaintiff may refile her motion once more provided that she complies with the proper procedures for doing so.

IT IS SO ORDERED.



LOURDES A. MARTÍNEZ
UNITED STATES MAGISTRATE JUDGE